

**House File 250 - Introduced**

HOUSE FILE 250

BY ISENHART

**A BILL FOR**

1 An Act relating to certain campaign communications, providing  
2 for fees, and making a penalty applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.405, subsection 1, paragraph a,  
2 subparagraph (3), Code 2011, is amended to read as follows:

3 (3) "*Published material*" means any newspaper, magazine,  
4 shopper, outdoor advertising facility, poster, direct mailing,  
5 brochure, internet ~~website~~ site, campaign sign, or any  
6 other form of printed general public political advertising.  
7 "*Published material*" includes television, radio, video, or  
8 motion picture advertising.

9 Sec. 2. Section 68A.405, subsection 1, paragraph b, Code  
10 2011, is amended to read as follows:

11 b. (1) Except as set out in subsection 2, published  
12 material or automated or live telephone calls designed to  
13 expressly advocate the nomination, election, or defeat of  
14 a candidate for public office or the passage or defeat of  
15 a ballot issue shall include on the published material an  
16 attribution statement disclosing who is responsible for the  
17 published material.

18 (2) Automated or live telephone calls made by a person  
19 or organization for the purpose of gathering information to  
20 inform or influence a public election campaign shall include a  
21 disclaimer clearly identifying the name of the caller, the name  
22 of the person or organization sponsoring the communication,  
23 and the name and telephone number of an authorized person  
24 responsible for the communication.

25 ~~(2)~~ (3) The person who is responsible for the published  
26 material has the sole responsibility and liability for the  
27 attribution statement required by this section.

28 Sec. 3. Section 68A.405, subsection 2, paragraph a, Code  
29 2011, is amended to read as follows:

30 a. The editorials or news articles of a newspaper, magazine,  
31 television or radio station, or other print or electronic media  
32 that are not paid political advertisements.

33 Sec. 4. Section 68A.405, subsection 3, Code 2011, is amended  
34 to read as follows:

35 3. For television, video, radio, or motion picture

1 advertising, the attribution statement shall be displayed on  
2 the screen in a clearly readable manner for at least four  
3 seconds. For radio, the attribution statement shall be read  
4 at the conclusion of the advertisement at a volume and with  
5 enunciation to make the statement easily understandable.

6 Sec. 5. NEW SECTION. **68A.407 Certain communications**  
7 **provided to the board.**

8 1. Any communication intended for audio or video broadcast,  
9 cable or internet transmission, or any automated or live  
10 telephone call that is made to influence a public election,  
11 and paid for as a direct, in-kind or independent expenditure  
12 by a person, a candidate, or political committee, shall be  
13 supplied to the board in an electronic format according to  
14 specifications established by the board.

15 2. The communication shall be supplied by noon on the  
16 same day that the transmission first occurs or by noon on the  
17 previous Friday if the first transmission occurs on a Saturday  
18 or Sunday.

19 3. The communication shall be supplied to the board eleven  
20 days before the day of the election if the transmission will  
21 first occur within eleven days preceding the election. The  
22 communication shall be supplied to the board seven days  
23 before the day of the election if the communication responds  
24 to a communication that will first occur within eleven days  
25 preceding the election. The material supplied to the board  
26 shall include a specific listing of each radio, television,  
27 cable, internet, or other outlet used to transmit the  
28 communication, and the total of expenditures associated with  
29 the communication.

30 4. An audio or video broadcast, cable or internet  
31 transmission, or automated or live telephone call made to  
32 influence a public election, and paid for as a direct, in-kind  
33 or independent expenditure by a person or by a candidate or  
34 political committee may not be made if it has not been supplied  
35 to the board as required in this section.

1 5. Any communication supplied to the board which directly or  
2 indirectly refers to a vote or position taken by a candidate  
3 for public office, or portrays the view of a candidate for  
4 office, shall include documentation of that vote, position, or  
5 view in a form required by the board. The documentation shall  
6 include but not be limited to the date, place, and manner that  
7 the candidate cast such vote, took such a position or expressed  
8 such views and shall reference a public source of information  
9 at which the citation can be verified. In addition, the  
10 filing shall include the name, address, telephone number, and  
11 electronic mail address of the person who is taking legal  
12 responsibility for the truthfulness of the information.

13 6. A communication supplied to the board, and its associated  
14 documentation, shall be permanently posted by the board  
15 on an internet site accessible by the public in an easily  
16 identifiable format as soon as technically and reasonably  
17 possible.

18 7. The board may establish reasonable fees to cover the  
19 costs associated with implementation of this section, payable  
20 by the persons, candidate committees, political committees, or  
21 other entities submitting a communication.

22 8. In addition to the penalty set out in section 68A.701, a  
23 person who violates this section shall be subject to a civil  
24 penalty not to exceed the total amount of the expenditures made  
25 to produce and transmit the communication.

26 EXPLANATION

27 This bill regulates audio or video broadcasts, cable or  
28 internet transmissions, or automated or live telephone calls  
29 which are used in political campaigns. The bill expands  
30 current attribution statement requirements to include radio  
31 advertisements and automated or live telephone calls.

32 The bill enacts new Code section 68A.407 to require that  
33 the contents of a campaign-related audio or video broadcast,  
34 cable or internet transmission, or automated or live telephone  
35 call must be provided to the ethics and campaign finance

1 disclosure board. The bill sets out specific timelines when  
2 these communications must be provided. These communications  
3 are prohibited unless they have been supplied to the board as  
4 required by the bill.

5 The bill requires that any communication which directly or  
6 indirectly refers to a vote, position, or viewpoint taken by a  
7 candidate shall include documentation of that vote, position,  
8 or viewpoint in a form required by the board.

9 Communications supplied to the board under new Code section  
10 68A.407 shall be permanently posted on an internet site  
11 accessible by the public.

12 The bill empowers the board to establish reasonable fees  
13 to cover the costs associated with implementation of new Code  
14 section 68A.407.

15 The bill provides that in addition to the penalty set out in  
16 current Code section 68A.701, a person who violates new Code  
17 section 68A.407 shall be subject to a civil penalty not to  
18 exceed the total amount of the expenditures made to produce and  
19 transmit the communication.